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Federal Regulations**

Title 38, Part 21

Vocational Rehabilitation and Education

Veterans Benefits Administration

Supplement No. 81

Covering period of *Federal Register* issues
through February 4, 2009

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GENERAL INSTRUCTIONS

Custom Federal Regulations Service™

Supplemental Materials for *Book G*

Code of Federal Regulations

Title 38, Part 21

Vocational Rehabilitation and Education

Veterans Benefits Administration

Supplement No. 81

5 February 2009

Covering the period of Federal Register issues
through February 4, 2009

When **Book G** was originally prepared, it was current through final regulations published in the *Federal Register* of 25 February 1992. These supplemental materials are designed to keep your regulations up to date. You should file the attached pages immediately, and record the fact that you did so on the *Supplement Filing Record* which is at page G-8 of Book G, *Vocational Rehabilitation and Education*.

**To ensure accuracy and timeliness of your materials,
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1. Always file your supplemental materials immediately upon receipt.
2. Before filing, always check the Supplement Filing Record (page G-8) to be sure that all prior supplements have been filed. If you are missing any supplements, contact the Veterans Benefits Administration at the address listed on page G-2.
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To execute the filing instructions, simply remove *and throw away* the pages listed under *Remove These Old Pages*, and replace them in each case with the corresponding pages from this supplement listed under *Add These New Pages*. Occasionally new pages will be added without removal of any old material (reflecting new regulations), and occasionally old pages will be removed without addition of any new material (reflecting rescinded regulations)—in these cases the word *None* will appear in the appropriate column.

FILING INSTRUCTIONS

**Book G, Supplement No. 81
February 5, 2009**

*Remove these
old pages*

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*Section(s)
Affected*

Do not file this supplement until you confirm that all prior supplements have been filed

21.3333-1 to 21.3333-4

21.3333-1 to 21.3333-4

§21.3333

**Be sure to complete the
Supplement Filing Record (page G-8)
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HIGHLIGHTS

Book G, Supplement No. 81 February 5, 2009

Supplement Highlights references: Where substantive changes are made in the text of regulations, the paragraphs of *Highlights* sections are cited at the end of the relevant section of text. Thus, if you are reading §3.263, you will see a note at the end of that section which reads: “Supplement *Highlights* references—6(2).” This means that paragraph 2 of the *Highlights* section in Supplement No. 6 contains information about the changes made in §3.263. By keeping and filing the *Highlights* sections, you will have a reference source explaining all substantive changes in the text of the regulations.

Supplement frequency: This Book G (*Rehabilitation and Education*) was originally supplemented six times a year, in February, April, June, August, October, and December. Beginning 1 August 1995, supplements will be issued *every month* during which a final rule addition or modification is made to the parts of Title 38 covered by this book. Supplements will be numbered consecutively as issued.

Modifications in this supplement include the following:

1. On 21 January 2009, the VA published a correction to a rule affecting 38 C.F.R. Part 21 originally published on 30 December 2008 (73 Fed. Reg. 79645). The correction modified an amendatory instruction concerning §21.3333. No substantive change was made in the text of that section.



§21.3333 Rates.

(a) *Rates.* Special training allowance is payable at the following monthly rates, except as provided in paragraph (c) of this section.

(1) For special restorative training pursued after June 30, 2004, and before October 1, 2004.

<u>Course</u>	<u>Monthly rate</u>	<u>Accelerated charges</u>
Special restorative training	\$788.00	If costs for tuition and fees average in excess of \$247.00 per month, rate may be increased by such amount in excess of \$247.00. (38 U.S.C. 3542).

(2) For special restorative training pursued after September 30, 2004, and before October 1, 2005:

<u>Course</u>	<u>Monthly rate</u>	<u>Accelerated charges</u>
Special restorative training	\$803.00	If costs for tuition and fees average in excess of \$251.00 per month, rate may be increased by such amount in excess of \$251.00. (38 U.S.C. 3542).

(3) For special restorative training pursued after September 30, 2005, and before October 1, 2006:

<u>Course</u>	<u>Monthly rate</u>	<u>Accelerated charges</u>
Special restorative training	\$827.00	If costs for tuition and fees average in excess of \$258.00 per month, rate may be increased by training such amount in excess of \$258.00. (Authority: 38 U.S.C. 3542).

(4) For special restorative training pursued after September 30, 2006, and before October 1, 2007:

<u>Course</u>	<u>Monthly rate</u>	<u>Accelerated charges</u>
Special restorative training	\$860.00	If costs for tuition and fees average in excess of \$268.00 per month, rate may be increased by training such amount in excess of \$268.00. (Authority: 38 U.S.C. 3542).

(5) For special restorative training pursued after September 30, 2007, and before October 1, 2008:

<u>Course</u>	<u>Monthly rate</u>	<u>Accelerated charges</u>
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Special restorative training	\$881.00	If costs for tuition and fees average in excess of \$274.00 per month, rate may be increased by training such amount in excess of \$274.00. (Authority: 38 U.S.C. 3542).
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(6) For special restorative training pursued after September 30, 2008:

<u>Course</u>	<u>Monthly rate</u>	<u>Accelerated charges</u>
Special restorative training	\$915.00	If costs for tuition and fees average in excess of \$284.00 per month, rate may be increased by training such amount in excess of \$284.00. (Authority: 38 U.S.C. 3542).

(b) *Accelerated charges.*

(1) VA may pay the additional monthly rate if the eligible person, or his or her parent or guardian (see §21.3021(d)) if the eligible person has a guardian or has not attained majority under laws applicable in his or her State of residence, concurs in having his or her period of entitlement reduced by 1 day for each:

(i) \$26.27 that the special training allowance exceeds the basic monthly rate of \$803.00 for the period July 1, 2004, through September 30, 2004;

(ii) \$26.77 that the special training allowance exceeds the basic monthly rate of \$803.00 for the period October 1, 2004, through September 30, 2005;

(iii) \$27.57 that the special training allowance exceeds the basic monthly rate of \$827.00 for the period October 1, 2005, through September 30, 2006;

(iv) \$28.67 that the special training allowance exceeds the basic monthly rate of \$860.00 for the period October 1, 2006, through September 30, 2007;

(v) \$29.37 that the special restorative training allowance exceeds the basic monthly rate of \$881.00 for the period October 1, 2007, through September 30, 2008; and

(vi) \$30.50 that the special restorative training allowance exceeds the basic monthly rate of \$915.00 for months after September 30, 2008.

(2) VA will:

(i) Charge fractions of more than one-half day as 1 day;

(ii) Disregard fractions of one-half or less; and

(iii) Record charges when the eligible child is entered into training.
(Authority: 38 U.S.C. 3542)

(c) *Payments made to eligible persons in the Republic of the Philippines or to certain Filipinos.* When the eligible person is pursuing training at an institution located in the Republic of the Philippines or when an eligible child's entitlement is based on the service of a veteran in the Philippine Commonwealth Army, or as a Philippine Scout as defined in §3.8(b), (c), or (d) of this chapter, payments of special training allowance made after December 31, 1994, will be made at the rate of 50 cents for each dollar authorized. (Authority: 38 U.S.C. 3532(d), 3542, 3565)

[35 FR 9814, June 16, 1970, as amended at 48 FR 37975, Aug. 22, 1983, 50 FR 19934 May 13, 1985; 57 FR 29799, July 7, 1992; 61 FR 29295, June 10, 1996; 63 FR 67779, Dec. 9, 1998; 66 FR 32228, June 14, 2001; 68 FR 34322, June 9, 2003; 68 FR 37206, June 23, 2003; 69 FR 62209, Oct. 25, 2004; 73 FR 2426, Jan. 15, 2008; 73 FR 79651, Dec. 30, 2008; 74 FR 3436, Jan. 21, 2009]

Supplement *Highlights* references: 27(3), 41(1), 55(2), 62(1), 66(2), 77(2), 80(1), 81(1).

Next Section is §21.3344

Reserved